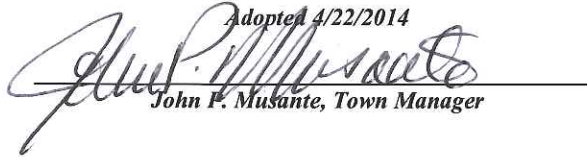


TOWN OF AMHERST, MASSACHUSETTS
CORI POLICY

Adopted 4/22/2014


John P. Musante, Town Manager

I. PURPOSE

This Policy outlines the requirements for the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, professional licensing applicants, and applicants for the rental or leasing of housing. The Amherst Police Department maintains separate CORI policy consistent with its needs and accreditation standards.

II. APPLICATION

State law and regulations govern the use of Criminal Offender Record Information (CORI) and other criminal history checks by a municipality. When such checks are conducted, such as in connection with an application for employment, volunteer work, licensing purposes, or the rental or leasing of housing, the following practices and procedures will be followed. Violations of CORI laws and regulations are actionable in accordance with state law, and may also result in disciplinary action against an employee found to have violated said laws and regulations, up to and including termination from employment.

III. POLICY

A. Access to CORI

All CORI obtained from the Massachusetts Department of Criminal Justice Information System (DCJIS) shall remain **CONFIDENTIAL**, and CORI may only be disclosed to those individuals who have a "need to know" the information in order to fulfill their duties. This may include hiring recommenders, staff submitting the CORI requests, and staff charged with processing applications. However, every effort will be made to limit the number of individuals authorized to access or receive CORI. The Town, through its designated CORI Representative, the Director of Human Resources, must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

Pursuant to state regulations, all CORI certifications must be renewed annually, and any persons authorized to access CORI are required to be retrained annually.

B. Training

All personnel authorized to review or access CORI, which includes all personnel authorized to conduct criminal history background checks, shall review and be thoroughly familiar with the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

C. Conducting CORI Screening

CORI checks will only be conducted as authorized by the DCJIS and G.L. c. 6, § 172, and only after a CORI Acknowledgement Form has been completed by the individual to be checked.

With the exception of screening for the rental or leasing of housing, if a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy two (72) hours' notice that a new CORI check will be conducted. If a requestor is screening for the rental or leasing of housing, a CORI Acknowledgement Form shall be completed for each and every CORI check.

In accordance with state regulations, prior to running a CORI check, the applicant's identity will be verified with government-issued photographic identification (such as a driver's license). If the individual has not been issued such a form of identification, then the applicant's information will be verified with a

government-issued non-photographic identification, such as a birth certificate or social security card, or other identification authorized by DCJIS. A copy of this identification, together with the CORI Acknowledgment Form, shall be maintained on file by Town for at least one year from the date the Form was signed by the applicant.

In no instance will the applicant be asked or required to provide a copy of his/her own CORI.

D. Use of Criminal History in Employment Background Screening

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. In most instances, CORI shall only be accessed for applicants who have been tendered a qualified offer of employment. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this Policy and any applicable law or regulations.

E. Use of a Credit Reporting Agency to Conduct CORI Checks

If a Credit Reporting Agency (CRA) is used to conduct CORI checks on applicants, Town will comply with the state regulations particular to use of a CRA.

F. Verifying Subject's Identify Once CORI Record is Received

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgment Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant. If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

G. Inquiring About Criminal History

In connection with any decision regarding employment, volunteer opportunities, housing, or licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history, and **PRIOR** to making any adverse decision based upon the applicant's criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

H. Determining Suitability

If a determination is made, based on the information as provided in Section F of this Policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this Policy and any applicable law or regulation. Factors to be considered in determining suitability may include, but not be limited to, the following:

- (1) Relevance of the offense(s) noted on the record to the position or license sought, or to public housing;
- (2) The nature of the work to be performed (where applicable);
- (3) Time since the conviction;
- (4) Age of the candidate at the time of the offense;
- (5) Seriousness and specific circumstances of the offense;
- (6) The number of offenses;
- (7) Whether the applicant has pending charges;
- (8) Any relevant evidence of rehabilitation or lack thereof; and
- (9) Any other relevant information, including information submitted by the candidate or requested by the organization.

Whenever possible, the applicant is to be notified of the decision and the basis for it in a timely manner.

I. Adverse Decisions Based on CORI

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified promptly. The subject shall be provided with copies of: 1) the organization's CORI Policy; 2) the criminal history at issue, indicating the source(s) of said criminal history; and 3) DCJIS' *Information Concerning the Process for Correcting a Criminal Record*, or other similar information published by DCJIS relating to the process for correcting CORI.

The subject will then be provided with a reasonable opportunity to dispute the accuracy of the CORI record and/or submit additional information. In most instances, that reasonable opportunity shall be seven (7) calendar days from date of notification from the Town of the potential of an adverse decision, unless there are extenuating circumstances. Upon the timely receipt of additional documentation/information from the applicant and/or the DCJIS, the Town shall review the information. If the CORI record does not exactly match the identification information provided by the applicant, the Town will make a determination based upon a comparison of the CORI record and documentation provided by the applicant. The Town shall document all steps it takes in this regard.

In the case of license applications, the Town will additionally provide the applicant with information regarding any applicable appeal process, including the opportunity to dispute the accuracy of the CORI at issue.

J. Maintenance of CORI

All CORI information, including CORI Acknowledgment Forms and copies of government- issued identification, will be maintained in a secure fashion. This means that hard copies will be stored in a separate, locked, location; electronically-stored CORI will be password protected and encrypted. No CORI shall be stored using public cloud storage methods.

CORI shall be destroyed within seven years from: the date of hire, or date of entrance into volunteer service (employment); date of final licensing decision (licensing); last date of residency or date of housing decision (housing), whichever is later.

Destruction shall occur by shredding or other similar means (hard copies), prior to disposal. Electronically-stored CORI shall be deleted from all hard drives on which they are stored and from any system used to back up the information. Appropriate measures shall be taken to "clean" any computer used to store CORI, prior to disposal or repurposing of such a computer.

H. Secondary Dissemination Logs

All CORI obtained from the DCJIS is **CONFIDENTIAL** and can only be disseminated as authorized by law and regulation. A central "secondary dissemination log" shall be used to record *any* dissemination of CORI outside this organization, including dissemination at the request of the subject. That log must contain the following information: 1) the applicant/subject's name; 2) the applicant/subject's date of birth; 3) the date and time of dissemination; 4) the name of the person to whom the CORI was disseminated, including the name of the organization for whom the person works (if applicable); and 5) the specific reason for the dissemination. These logs must be maintained for at least one year from the date of dissemination; they may be maintained electronically or on paper in the same secure manner as other CORI information; and are subject to audit by DCJIS.

INFORMATION CONCERNING THE PROCESS IN CORRECTING A CRIMINAL RECORD

1. If you have undergone a background check by an agency that has received a criminal record from the DCJIS, you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Department of Criminal Justice Information Services, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 or by calling (617)660-4640 or go to the [Massachusetts iCORI service](#)
2. The DCJIS charges \$25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigence and request that the DCJIS waive the fee.
3. Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please contact the Constituent Assistance and Research Unit at 617.660.4640 between 8:00AM and 6:00PM Eastern Time, Monday – Friday or via email at iCORI.INFO@state.ma.us
4. The DCJIS does not offer “walk-in” service but you may call our Legal Division at (617)660-4760 for assistance or the CARI Unit of the Office of the Commissioner of Probation at (617)727-5300.
5. If you believe that a case is opened on your record that should be marked closed, you may contact the Office of the Commissioner of Probation Department at the court where the charges were brought and request that the case(s) be updated.
6. If you believe that a disposition is incorrect, contact the Chief Probation Officer at the court where the charges were brought or the CARI Unit at the Office of the Commissioner of Probation and report that the court incorrectly entered a disposition on your criminal record.
7. If you believe that someone has stolen or improperly used your identity and were arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CARI Unit or the Chief Probation Officer in the court where the charges were brought.
8. In some situations of identity theft, you may need to contact the DCJIS to arrange to have fingerprints analysis conducted.
9. If there is a warrant currently outstanding against you, you need to appear at the court and ask that the warrant be recalled. You cannot do this over the telephone.
10. If you believe that an employer, volunteer agency, housing agency or municipality has been provided with a criminal record that does not pertain to you, the agency should contact the CORI Unit for assistance at (617)660-4640.

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